

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

December 6, 2004

- C042423 THE PEOPLE v. MUHAMMAD (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed. The trial court is ordered to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.
BLEASE, Acting P.J.
We Concur: Hull, J.
Robie, J.
- C043780 THE PEOPLE v. PALAGHIUC (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
I Concur: Raye, J.
I concur, but write separately...
Morrison, J.
- C043903 THE PEOPLE v. GRIFFIN (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We Concur: Sims, Acting P.J.
Butz, J.
- C044372 THE PEOPLE v. WOMACK (Not for Publication)**
The judgment (sentence of March 8, 2004) is affirmed.
BUTZ, J.
We Concur: Sims, Acting P.J.
Raye, J.
- C045659 THE PEOPLE v. WILLHOIT (Not for Publication)**
The judgment is modified... The judgment is affirmed as modified. The trial court is directed to prepare an amended abstract of judgment in accordance with this disposition and forward it to the Department of Corrections.
NICHOLSON, J.
We Concur: Scotland, P.J.
Raye, J.
- C045692 THE PEOPLE v. ANDERSON et al. (Not for Publication)**
The order granting the motion to suppress evidence and the subsequent dismissal of the case are reversed.
SIMS, J.
We Concur: Scotland, P.J.
Blease, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

December 6, 2004, continued

- C045831 THE PEOPLE v. MASON (Not for Publication)**
The judgment is reversed as to counts 14 and 16. Defendant is awarded seven additional days of custody credit. The court shall modify the judgment... The superior court is directed to issue an amended abstract of judgment reflecting these changes and to forward a certified copy thereof to the Department of Corrections.
RAYE, J.
We Concur: Sims, Acting P.J.
 Davis, J.
- C045986 THE PEOPLE v. MARTINEAU (Not for Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Sims, Acting P.J.
 Raye, J.
- C042184 TESCO CONTROLS, INC. v. MONTEREY MECHANICAL COMPANY and
FIREMAN'S FUND INSURANCE COMPANY et al.
 (CERTIFIED FOR PUBLICATION)**
The judgment as to Tesco's eighth cause of action against Monterey is reversed and remanded to the trial court with directions to enter judgment in accordance with this opinion. In all other respects, the judgment is affirmed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rules 27(a) (3).) (*CERTIFIED FOR PUBLICATION.*)
NICHOLSON, J.
We Concur: Sims, Acting P.J.
 Davis, J.

December 7, 2004

MISC. ORDER 2004-012

By The Court:

Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77, and 78, during the absence of the Presiding Justice from the court on December 9, 2004, or until his return. (See Cal. Const. Art 6, Sec. 3) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.
SCOTLAND, P.J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

December 7, 2004, continued

C043235	THE PEOPLE v. GRIEBELL The judgment is affirmed. BLEASE, Acting P.J. We Concur: Davis, J. Butz, J.	(Not for Publication)
C044222	THE PEOPLE v. JOHNSON The judgment is affirmed. BLEASE, Acting P.J. We Concur: Nicholson, J. Raye, J.	(Not for Publication)
C045384	THE PEOPLE v. SELF The judgment is affirmed. BLEASE, Acting P.J. We Concur: Davis, J. Raye, J.	(Not for Publication)
C045473	THE PEOPLE v. ROSS The judgment is affirmed. HULL, J. We Concur: Scotland, P.J. Morrison, J.	(Not for Publication)
C045738	THE PEOPLE v. MURPHY The judgment is affirmed. ROBIE, J. We Concur: Sims, Acting P.J. Nicholson, J.	(Certified for Partial Publication)
C046775	THE PEOPLE v. MITCHELL The judgment is affirmed. DAVIS, Acting P.J. We Concur: Robie, J. Butz, J.	(Not for Publication)
C046825	THE PEOPLE v. MATA The judgment is affirmed. SCOTLAND, P.J. We Concur: Nicholson, J. Raye, J.	(Not for Publication)

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

December 7, 2004, continued

- C046856 THE PEOPLE v. GUMM (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Nicholson, J.
Raye, J.
- C047141 THE PEOPLE v. CALLAHAN (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Davis, Acting P.J.
Butz, J.
- C045873 BROOKS v. GOLDEN FEATHER REALTY SERVICES, INC. (Not for Publication)**
The order of dismissal is affirmed.
BLEASE, Acting P.J.
We Concur: Davis, J.
Nicholson, J.
- C046247 THE POCKET PROTECTORS v. CITY OF SACRAMENTO et al. and REGIS HOMES OF NORTHERN CALIFORNIA, INC., et al. (CERTIFIED FOR PUBLICATION)**
The judgment is reversed and the matter is remanded to the trial court with directions to enter a new judgment directing the City to undertake an EIR on the proposed project. The stay of on-site construction activity, previously entered by the court and as modified, shall remain in effect pending further order of this court. The Pocket Protectors shall receive their costs on appeal. (Cal. Rules of Court, rule 27(a).)
SIMS, Acting P.J.
We Concur: Davis, J.
Nicholson, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

December 8, 2004

C045580 THE PEOPLE v. BIBBS (Not for Publication)

The judgment is affirmed.

BLEASE, J.

We Concur: Scotland, P.J.

Davis, J.

C046077 THE PEOPLE v. OSTERKAMP (Not for Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Blease, Acting P.J.

Nicholson, J.

C044669 SEVILLA et al. v. ESTATE OF LYNN MAXEY WILEY, etc. (Not for Publication)

The judgment and postjudgment order for attorney fees against James Pursel are affirmed. The judgments against the remaining plaintiffs, the survivors of Dan Dougherty, Suzanne Gray, and Therese Pursel, are reversed. The parties shall bear their own costs on appeal.

MORRISON, J.

We Concur: Davis, Acting P.J.

Nicholson, J.

C045217 GOBEL, as Executor, etc. v. VIEIRA et al. (Not for Publication)

The judgment is affirmed.

DAVIS, Acting P.J.

We Concur: Raye, J.

Morrison, J.

C046404 THE PEOPLE v. TOLER

BY THE COURT:

Appellant's petition for rehearing is denied.

SIMS, Acting P.J.

December 9, 2004

C042687 THE PEOPLE v. ROSANDICH (Not for Publication)

The judgment is affirmed.

NICHOLSON, J.

We Concur: Scotland, P.J.

Davis, J.

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The Minutes

December 9, 2004, continued

C043396 THE PEOPLE v. WOODFIN, JR. (Not for Publication)
The judgment is affirmed.
MORRISON, J.
I Concur: Blease, Acting P.J.
I Concur in the result:
Robie, J.

December 10, 2004

C039617 LONICKI v. SUTTER HEALTH CENTRAL (CERTIFIED FOR PUBLICATION)
For all the reasons stated above, the judgment is affirmed.
SCOTLAND, P.J.
I Concur: Nicholson, J.
... I believe this legal ruling is incorrect and summary judgment should
have been denied.
Accordingly, I dissent.
Morrison, J.